

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
CIVIL MINUTES—  
GENERAL

Case No. 5:22-cv-01152-SSS-KKx

Date November 29, 2022

Title *David Jackson v. MS Services, LLC, et al.*

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Present: The Honorable SUNSHINE S. SYKES, UNITED STATES DISTRICT JUDGE

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Irene Vazquez

Not Reported

Deputy Clerk

Court Reporter

Attorney(s) Present for Plaintiff(s):

None Present

Attorney(s) Present for Defendant(s):

None Present

**Proceedings: (IN CHAMBERS) ORDER TO SHOW CAUSE AS TO  
WHY DEFENDANT MS SERVICES, LLC SHOULD NOT  
BE DISMISSED FOR FAILURE TO SERVE**

On September 14, 2022, Plaintiff filed its Motion for Alternative Service and Extension of Time to Serve Summons and Complaint [Dkt. 39]. On October 5, 2022, the Court issued an Order [Dkt. 44], that in addition to striking Plaintiff's Motion for Alternative Service and Extension of Time to Serve Summons and Complaint on Defendant MS Services, LLC for failure to comply with Local Rule 7-5, extended Plaintiff's deadline to serve MS Services, LLC from October 5, 2022, to October 19, 2022. Plaintiff was also directed to file a renewed Motion for Alternative Service by October 7, 2022.

On October 7, 2022, Plaintiff filed its renewed Motion for Alternative Service and Extension of Time to Serve Summons and Complaint [Dkt. 45]. On October 14, 2022, the Court issued an Order [Dkt. 47], granting Plaintiff's motion and directed Plaintiff to serve Defendant MS Service, LLC, either by the procedure described in California Civil Procedure Code Section 415.30(a) or the procedure in Section 415.40. Furthermore, the Court granted Plaintiff an extension for service from October 19, 2022, to November 14, 2022.

As of today's date, Plaintiff has not filed either a renewed motion to extend time for service or a Proof of Service of Summons and Complaint as to Defendant MS Services, LLC.

Accordingly, the Court **ORDERS** Plaintiff to show cause why Defendant MS Services, LLC should not be dismissed from the instant action for failure to serve. Plaintiff is required to respond in writing to this Order by no later than **December 9, 2022**. The Court sets a hearing date regarding this Order to Show Cause on **December 16, 2022 at 1:00 PM** via zoom.<sup>1</sup>

Plaintiff's failure to timely or adequately respond to this Order may, without further warning, result in the dismissal of Defendant MS Services, LLC from the action without prejudice.

**IT IS SO ORDERED.**

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<sup>1</sup> The Court refers Plaintiff to Judge Sykes' website for details regarding hearings via zoom: <https://www.cacd.uscourts.gov/honorable-sunshine-s-sykes>.